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C.S. 100

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Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3660 OF 2004

PETITIONER :

Annapurna Bahuddeshiya Sahakari Samati, Patthalgaon, District Jashpur,(C.G.). A Cooperative Society registered under Chhattisgarh Cooperative Society Act,1960, bearing Registration No.14 dated 23/7/04 having head office Patthalgaon, Post Office Patthalgaon, District Jashpur, Through its Vice President Smt. Najma Begam, D/o. Late Mohd. Mohiddin, Aged about 24 years, Bilai Tangar, Patthalgaon, District Jashpur, Chhattisgarh.

P.R. No. 3623/04
Presented by Shri Mahesh Pandey
dated 01-10-04

V E R S U S

RESPONDENTS :

1. State of Chhattisgarh, Through The Secretary, Cooperative Department & Food and Civil Supplies and Consumer Protection Department, D.K.S. Bhawan Raipur (C.G.).

2. The Collector, Jashpur, District Jashpur (C.G.).

3. The Sub Divisional Officer, (Revenue), Patthalgaon, District Jashpur (C.G.).

30/9/04

PRESENTED COPY
30.9.04
Clerk to A. G. Bilaspur

4. The Food Officer,
District Jashpur (C.G.).

5. Nagar Panchayat Patthalgaon,
Through: The Chief Municipal Officer, District Jashpur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

(58)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3666 / 04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	4-2-2005 Heard Shri Rajesh Pandey, counsel for the petitioner. Shri N.K. Agrawal, Dy. A. G. for the State/respondents. Return has already been filed on behalf of respondents; therefore, as agreed to by learned counsel for the parties, the matter is being disposed of at the admission stage itself. The petitioner is a registered society and allotment of fair price shop was made in favour of the petitioner on 10-8-2004. Thereafter, the said allotment was cancelled vide order dated 21-9-2004 passed by respondent No.3. The main grievance of the petitioner is that the said allotment was cancelled by respondent No.3 in an arbitrary manner without giving any opportunity of hearing and show cause to explain to the petitioner and in the return this fact has not been refuted by the State. Therefore, this petition deserves to be allowed on this score only. Having heard learned counsel for the parties and having regard to the fact that allotment of fair price shop, which was made in favour of the petitioner on 10-8-2004, was cancelled by respondent No.3 without giving any opportunity of hearing or show cause to the petitioner, therefore, this order suffers from the fact that principle of natural justice has been violated in this matter. In the result, the writ petition is allowed and the impugned order is set aside. However, respondents will be at liberty to take action in accordance with law. Parties are entitled for certified copy of this order. **Sd/-** **L.C.BHADOO** **Judge**	

Barve

Gr. PRJ—FS/350—12/2000—50,000.

9.2.05